

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION

MARCO DANE ACOFF, )  
                        )  
Plaintiff,           )  
                        )  
v.                     ) 5:09-CV-02543-JHH-JEO  
                        )  
CHARLES LYNN PARKER, )  
OTTIE L. NEWSOM      )  
KERMIT L. CARTER     )  
MARILYN C. BECK, and )  
CALHOUN COMMUNITY COLLEGE )  
                        )  
Defendants.           )

ORDER

The magistrate judge filed a report and recommendation on June 22, 2010 (doc. #7), recommending that plaintiff's DUE PROCESS claims against ALL DEFENDANTS, and that plaintiff's FIRST AMENDMENT and EQUAL PROTECTION claims against Ottie L. Newsom, Site Director; Kermit L. Carter, Student Affairs Dean; Marilyn C. Beck, President, and Calhoun Community College, be **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1).

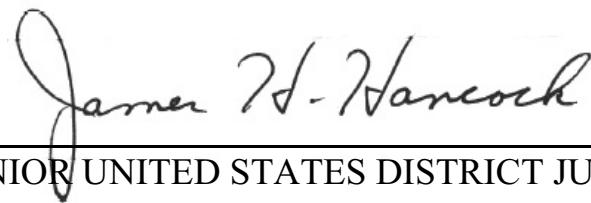
The magistrate judge further recommends that plaintiff's FIRST AMENDMENT and EQUAL PROTECTION claims against defendant Charles Lynn Parker; and TITLE VI claims against Calhoun Community College and all

additional defendants in their official capacities only, be referred for further proceedings. No objections were filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, plaintiff's DUE PROCESS claims against ALL DEFENDANTS and plaintiff's FIRST AMENDMENT and EQUAL PROTECTION claims against Ottie L. Newsom, Site Director; Kermit L. Carter, Student Affairs Dean; Marilyn C. Beck, President, and Calhoun Community College, are **DISMISSED** pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim upon which relief may be granted.

Plaintiff's FIRST AMENDMENT and EQUAL PROTECTION claims against defendant Charles Lynn Parker and his TITLE VI claims against Calhoun Community College and all additional defendants, in their official capacities only, are REFERRED to Magistrate Judge Ott for further proceedings.

**DONE** this the 23rd day of August, 2010.



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James H. Hancock

SENIOR UNITED STATES DISTRICT JUDGE